

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

CURT LOWDER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:18-cv-01216-TWP-MPB
	)	
PAUL TALBOT,	)	
LAFLOWER,	)	
	)	
Defendants.	)	

**Entry Screening Complaint and Directing Service of Process**

**I. Screening Standard**

The plaintiff is a prisoner currently incarcerated at Pendleton Correctional Facility (“Pendleton”). Because the plaintiff is a “prisoner” as defined by 28 U.S.C. § 1915(h), this Court has an obligation under 28 U.S.C. § 1915A(b) to screen his complaint before service on the defendants. Pursuant to 28 U.S.C. § 1915A(b), the Court must dismiss the complaint if it is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief. In determining whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Lagerstrom v. Kingston*, 463 F.3d 621, 624 (7th Cir. 2006). To survive dismissal,

[the] complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

*Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Pro se complaints such as that filed by the plaintiff are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Obrieht v. Raemisch*, 517 F.3d 489, 491 n.2 (7th Cir. 2008).

## **II. The Complaint**

The complaint names two defendants: 1) Dr. Talbot, and 2) Ms. LaFlower. The plaintiff alleges that, before being transferred to Pendleton, he was incarcerated at Wabash Valley Correctional Facility where he received medical treatment for a serious hip condition and for heartburn. He was seen by an outside orthopedic specialist who prescribed pain medication and physical therapy for his hip. After being transferred to Pendleton, the plaintiff alleges that the defendants discontinued his medications against the orders of the outside specialist. For a period of time, the plaintiff was prescribed an alternative medication that did not alleviate his excruciating pain. As of March 19, 2018, Dr. Talbot stopped all of the plaintiff's medications, including his heartburn medication. The plaintiff continues to experience severe pain. He seeks injunctive relief and compensatory and punitive damages.

## **III. Discussion of Claims**

The plaintiff's deliberate indifference claims against Dr. Talbot and Ms. LaFlower shall proceed. This summary of claims includes all of the viable claims identified by the Court. If the plaintiff believes that additional claims were alleged in the complaint, but not identified by the Court he shall have **through July 2, 2018**, in which to identify those claims.

## **IV. Duty to Update Address**

The pro se plaintiff shall report any change of address within ten (10) days of any change. The Court must be able to locate the plaintiff to communicate with him. If the plaintiff fails to keep

the Court informed of his or her current address, the action may be subject to dismissal for failure to comply with Court orders and failure to prosecute.

#### **V. Service of Process**

The **clerk is designated** pursuant to *Fed. R. Civ. P. 4(c)* to issue process to the defendants Dr. Talbot and Ms. LaFlower in the manner specified by Rule 4(d). Process shall consist of the complaint filed on April 23, 2018, applicable forms (Notice of Lawsuit and Request for Waiver of Service of Summons and Waiver of Service of Summons), and this Entry.

**IT IS SO ORDERED.**

Date: 5/25/2018



---

TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

Distribution:

CURT LOWDER  
972067  
PENDLETON CORRECTIONAL FACILITY  
Inmate Mail/Parcels  
4490 West Reformatory Road  
PENDLETON, IN 46064

Dr. Talbot, medical employee  
PENDLETON CORRECTIONAL FACILITY  
4490 West Reformatory Road  
PENDLETON, IN 46064

Ms. LaFlower, medical employee  
PENDLETON CORRECTIONAL FACILITY  
4490 West Reformatory Road  
PENDLETON, IN 46064